

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA**

In re:	§	
	§	Chapter 7
	§	Case No. 24-30167
Pro-Mark Services, Inc.,	§	
	§	
Debtor.	§	
<hr style="width: 50%; margin-left: 0;"/>		
ERIK A. AHLGREN, as Chapter 7 trustee of Bankruptcy Estate of Pro- Mark Services, Inc., as Administrator of the Pro-Mark Services, Inc. Employee Stock Ownership Plan, and as Trustee of the Pro-Mark Services, Inc. Employee Stock Ownership Trust,	§	Adv. No. 24-07014
	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	
	§	
CONNIE BERG, KYLE BERG, CONNIE BERG REVOCABLE LIVING TRUST, KYLE R. BERG REVOCABLE LIVING TRUST, CHAD DUBOIS, and MIGUEL PAREDES,	§	
	§	
Defendants.	§	

**BERG DEFENDANTS' NOTICE OF MOTION
AND MOTION FOR MISCELLANEOUS RELIEF**

NOTICE IS HEREBY GIVEN that Connie Berg, Kyle Berg, Connie Berg Revocable Living Trust, and Kyle R. Berg Revocable Living Trust (collectively, the “Berg Defendants”), by and through their undersigned counsel of record, file this Motion for Miscellaneous Relief from the Second Amended Complaint (Dkt. 120)

**BERG DEFENDANTS' NOTICE OF MOTION
AND MOTION FOR MISCELLANEOUS RELIEF**

filed by Erik A. Ahlgren in his official capacity as Chapter 7 trustee of the Debtor's bankruptcy estate (the "Trustee").

NOTICE IS FURTHER GIVEN that unless a party in interest files an objection in writing to the relief requested in the Motion on or before July 2, 2025, which is fourteen (14) days from the date of service of this Notice, the Court may thereafter and without further notice enter an order granting the relief requested in the Motion.

NOTICE IS FURTHER GIVEN that written objections to the Motion, if any, shall be filed with the Clerk of the United States Bankruptcy Court, whose address is 655 First Avenue North, Suite 210, Fargo, ND 58102, with a copy mailed to counsel for the Berg Defendants, whose name and address is listed below.

The bases for the relief requested in this Motion are set forth in the *Berg Defendants' Memorandum in Support of Motion for Miscellaneous Relief* filed contemporaneously with this Motion. The Trustee has replied allegations that the Court dismissed on the merits in its May 1, 2025 Order Granting in Part and Denying in Part Berg Defendants' Motion to Dismiss (Dkt. 111). Therefore, the Berg Defendants respectfully request that the Court issue an Order either (1) dismissing the Second Amended Complaint, (2) ordering the Trustee to file a Third Amended Complaint without the allegations that were previously dismissed on the merits, or (3) striking from the Second Amended Complaint the allegations that were previously dismissed on the merits.

STATEMENT OF NONCONSENT TO FINAL ORDERS

As required by Federal Rule of Bankruptcy Procedure 7012(b), the Berg Defendants hereby state that they do not consent to entry of final orders or judgment by the Bankruptcy Court in the above-captioned Adversary Proceeding.

Dated: June 18, 2025

/s/ Stephen M. Pezanosky
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*Attorneys for Defendants Connie Berg,
Kyle Berg, Connie Berg Revocable
Living Trust, Kyle R. Berg Revocable
Living Trust*

CERTIFICATE OF SERVICE

The undersigned certifies that on the 18th day of June, 2025, the above document was served on all counsel of record via CM/ECF, including the Trustee and his counsel.

/s/ Stephen M. Pezanosky
Stephen M. Pezanosky